

Before the
Federal Communications Commission
Washington D.C. 20554

In the Matter of)	
)	
Application by)	
Qwest Communications International, Inc.)	
For Authorization to Provide)	
In-Region, InterLATA Services)	WC Docket No. 03-90
In Minnesota)	

COMMENTS OF WORLDCOM

WorldCom, Inc. (d/b/a MCI and hereinafter “MCI”)¹ hereby files these comments in response to Qwest’s section 271 application for the state of Minnesota.

MCI has described in the prior Qwest section 271 proceedings the deficiencies in Qwest’s OSS and documentation that caused significant problems for MCI in entering the local market and that, in our view, should have resulted in rejection of the previous applications. MCI continues to believe that these deficiencies persist and warrant rejection of Qwest’s application for Minnesota.

MCI explained in response to Qwest’s prior section 271 applications that Qwest’s OSS contains basic deficiencies that do not exist in any other region.² MCI explained the difficulties it has experienced with interface development as a result of the cumbersome nature of Qwest’s

¹ On April 14, 2003, WorldCom began doing business as MCI.

² See, e.g., WorldCom Comments, *In the Matter of Application by Qwest Communications International, Inc. for Authorization to Provide In-Region, InterLATA Services in New Mexico, Oregon, and South Dakota*, WC Docket No. 03-11 (WorldCom Comments), filed Feb. 5, 2003; WorldCom Reply Comments, *In the Matter of Application by Qwest Communications International, Inc. for Authorization to Provide In-Region, InterLATA Services in New Mexico, Oregon, and South Dakota*, WC Docket No. 03-11 (WorldCom Reply Comments), filed Feb. 27, 2003.

systems and Qwest's poor documentation.³ Specifically, MCI has described the inconsistencies and gaps in Qwest's documentation and the trial-and-error development process that it had to undertake. These documentation flaws, as well as the cumbersome nature of Qwest's systems, lengthened development time and required far more work on MCI's part than should have been necessary.⁴ The Commission nevertheless has now granted Qwest long distance authority in 12 states.

In an *ex parte* letter filed just one week ago in the section 271 proceeding for New Mexico, Oregon, and South Dakota, MCI described the current status of our primary concerns.⁵ We will not fully reiterate here our arguments in that *ex parte* letter or our previous filings, but emphasize the following key points.

MCI has long argued to the Commission that migrate by TN and street address number (SANO) and industry-standard migrate-as-specified are critical for MCI and other CLECs to smoothly enter the local market.⁶ Qwest finally implemented these functionalities just two weeks ago, and it is too early to know whether these systems changes will work properly. But based on our experience with Qwest's OSS and documentation, we have reason to believe that there will be problems. For this reason we have urged the Commission to evaluate whether these changes are implemented successfully before approving Qwest's section 271 applications.

MCI will obtain first-hand experience with these systems changes when it adopts EDI version 12.0, which is currently targeted for June. MCI is waiting to transition to version 12.0 for two main reasons. First, because of the extensive problems MCI has experienced with

³ See, e.g., WorldCom Comments at 8; WorldCom Reply Comments at 2-15.

⁴ See e.g., WorldCom Reply Comments at ii.

⁵ Letter from Lori Wright, WorldCom, to Marlene Dortch, FCC, WC Docket No. 03-11, filed April 10, 2003.

⁶ See, e.g., WorldCom Comments at 13-14; WorldCom Reply Comments at 6. See also WorldCom Comments, In the Matter of Application by Qwest Communications International, Inc. for Authorization to Provide In-Region,

Qwest's OSS, MCI has been concentrating on developing the work-arounds needed to make the current interfaces work. Second, given MCI's recent experience with Qwest's OSS, MCI has no reason to believe that these systems changes will operate smoothly upon implementation or even soon thereafter. MCI therefore has decided to wait until any "bugs" are worked out before transitioning to the new version. We will update the Commission on Qwest's implementation of migrate by TN and SANO and industry-standard migrate-as-specified as any information becomes available.

In addition, other critical issues remain unresolved in the Qwest region and new problems are certain to arise. The remaining critical issues, as described in our April 10 *ex parte* letter, include the requirement to include CALA codes on orders; Qwest's failure to provide an acceptable way for CLECs to obtain customer codes; Qwest's failure to provide CLECs with an acceptable means of provisioning blocking options (a problem that should have been corrected by Qwest as part of the MCI/Z-Tel change request for migrate-as-specified, which clearly defined the change as not requiring the listing or removal of any of the old customer information as a prerequisite for inputting the new information); and Qwest's incorrect DUF records.⁷ All of these issues affect our ability to compete efficiently and effectively in the local market. Furthermore, Qwest's non-standard OSS and documentation are sure to result in new problems that will require us to spend time coding and re-coding our interfaces and that will cause our orders to reject. Again, we will update the Commission as new information becomes available.

Finally, and significantly, the Minnesota Public Utility Commission (PUC) has been unable to support Qwest's section 271 application. This is the first time where a BOC has applied without support from the state commission, and this Commission, which is required by

InterLATA Services in Colorado, Idaho, Iowa, Montana, Nebraska, North Dakota, Utah, Washington, and Wyoming, WC Docket No. 02-314, filed Oct. 15, 2002, at ii, 4, 9.

the Act to consult with the PUC before making any section 271 determination,⁸ should give particular weight to the absence of such support. The Minnesota PUC has ongoing concerns with Qwest's secret deals and Qwest's unwillingness to either accept the remedy plan established in the penalty phase of the secret deals proceeding or to admit any culpability for its actions. This Commission dismissed the Qwest secret deals issue in approving prior section 271 applications despite the discriminatory treatment Qwest provided to certain CLECs and the silencing of CLECs who could have provided critical information that would have been useful to state commissions and enabled other CLECs, such as WorldCom, to more easily enter the local market.⁹ It did so in part based on the state commissions' involvement in resolving these matters.¹⁰ But here just such a state investigation has led to the PUC's refusal to support Qwest's application. It has also led to a remedy plan that Qwest is obstinately refusing to implement. This Commission should give due weight to the PUC's conclusions.

For the reasons described herein, the Commission should reject Qwest's section 271 application for Minnesota.

Respectfully submitted,

_____/s/_____

Marc A. Goldman
JENNER & BLOCK, LLC
601 13th Street, N.W., Suite 1200
Washington, D.C. 20005

(202) 639-6000

Lori Wright
MCI
1133 19th Street, N.W.
Washington, D.C. 20036

(202) 736-6468

⁷ See April 10 *ex parte* letter at 4-6.

⁸ See 47 U.S.C. § 271(d)(2)(b).

⁹ Memorandum Opinion and Order, In the Matter of Application by Qwest Communications International, Inc. for Authorization to Provide In-Region, InterLATA Services in Colorado, Idaho, Iowa, Montana, Nebraska, North Dakota, Utah, Washington, and Wyoming, WC Docket No. 02-314, rel. Dec. 23, 2002 at ¶¶ 466, 486-499.

¹⁰ Id. at ¶¶ 487-492.

April 17, 2003

Certificate of Service

I, Lori Wright, hereby certify, that a true and correct copy of these comments in WC Docket No. 03-90 was served on this 17th day of April, 2003 on the following electronically:

Marlene Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Janice Myles
Wireline Competition Bureau
Federal Communications Commission
445 Twelfth Street, NW
Washington, DC 20554
jmyles@fcc.gov

Gary Remondino
Wireline Competition Bureau
Federal Communications Commission
445 Twelfth Street, NW
Washington, DC 20554
gremondi@fcc.gov

Gail Cohen
Wireline Competition Bureau
Federal Communications Commission
445 Twelfth Street, NW
Washington, DC 20554
gcohen@fcc.gov

Ryan Harsch
U.S. Department of Justice
Antitrust Division
Telecommunications and Media
Enforcement Section
1401 H Street, NW – Suite 8000
Washington, DC 20530
ryan.harsch@usdoj.gov

Burl Haar
Executive Secretary
Minnesota Public Utility Commission
121 Seventh Place E, Suite 350
St. Paul, MN 55101-2147

burl.haar@state.mn.us

Yaron Dori
Hogan & Hartson L.L.P.
555 13th Street NW
Washington, DC 20004
Tel: 202 637 5877
Fax: 202 637 5910
ydori@hhlaw.com

C. Jeffrey Tibbels
Hogan & Hartson
555 Thirteenth Street, NW
Washington, DC 20004
cjtibbels@hhlaw.com

Qualex International
Portals II
Federal Communications Commission
445 Twelfth Street, SW
Room CY-B402
Washington, DC 20554
qualexint@aol.com

Minnesota Public Utility Commission
mnpuc.quest271@state.mn.us

 /s/
Lori Wright